

Attorney Docket No. 5308-248

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Adam William Saxler et al.

Group Art Unit: 2811

Serial No.: 10/617,843

Examiner: To be assigned

Filed: July 11, 2003

Confirmation No.: 7985

For: NITRIDE-BASED TRANSISTORS AND METHODS OF FABRICATION
THEREOF USING NON-ETCHED CONTACT RECESSES

Date: September 8, 2003

Office of Patent Legal Administration
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO ACCORD THE PROPER FILING DATE

Sir:

As set forth in 37 CFR § 1.10(c) and MPEP § 506.02, Applicant hereby petitions to grant the proper filing date of July 11, 2003 rather than July 14, 2003 for the above-identified patent application as this was the date the application was deposited as "Express Mail" in the U.S. Postal Service. The following is enclosed as evidence of July 11, 2003 being the correct filing date for the application, which was properly filed under 37 C.F.R. § 1.10:

1. A true and accurate copy of the Cover Sheet for the Application showing the Express Mail signature and date on Page 2;
2. A true and accurate copy of the Express Mail Receipt along with a copy of the USPS-Track & Confirm from the web page, showing "acceptance" or deposit date with the USPS at 5:43 p.m. on July 11, 2003; and
3. A true and accurate copy of our return post card and of the official filing receipt for this application, sent by the United States Patent and Trademark Office, showing that Applicant was improperly given the filing date of July 14, 2003 instead of the Express Mail date of July 11, 2003.

This petition is being filed promptly after Applicant became aware of the improperly accorded filing date. Accordingly, Applicant respectfully requests the granting of July 11, 2003 as the filing date pursuant to 37 CFR § 1.10.

On the basis that Applicant properly followed the requirements of 37 CFR § 1.10 and the USPTO failed to accord the proper filing date under MPEP § 505 and thus the need to file

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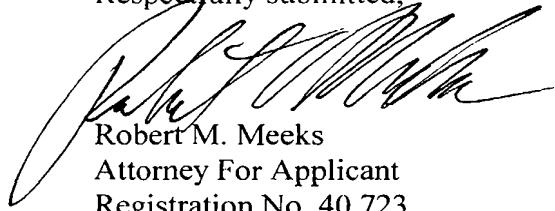
In re: Adam William Saxler et al.

Serial No.: 10/617,843

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this petition is due to error on the part of the USPTO, it is applicant's belief that no fee is due with this petition. However, the Commissioner is authorized to charge any deficiency or credit any overpayment to Deposit Account No. 50-0220.

Respectfully submitted,



Robert M. Meeks
Attorney For Applicant
Registration No. 40,723

USPTO Customer No. 20792

Myers Bigel Sibley & Sajovec

Post Office Box 37428

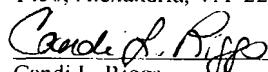
Raleigh, North Carolina 27627

Telephone: 919/854-1400

Facsimile: 919/854-1401

Certificate of Mailing under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Office of Patent Legal Administration, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on September 8, 2003.



Candi L. Riggs

Date of Signature: September 8, 2003

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY DOCKET NO.: 5308-248
DATE: July 11, 2003

UTILITY PATENT APPLICATION TRANSMITTAL LETTER AND FEE TRANSMITTAL FORM (37 CFR § 1.53(b))

Mail Stop PATENT APPLICATION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing under 37 CFR § 1.53(b) is:

a patent application
 a Continuation a Divisional a Continuation-in-Part (CIP) Application of prior application no.: _____; filed _____, the disclosure of which is incorporated herein by reference in its entirety.
 and claims the benefit of Provisional Application No. 60/396,236; filed July 16, 2003.

Inventor(s) or Application Identifier:

Adam William Saxler – Durham, North Carolina
Richard Peter Smith – Carrboro, North Carolina
Scott T. Sheppard – Chapel Hill, North Carolina

Entitled: **NITRIDE-BASED TRANSISTORS AND METHODS OF FABRICATION
THEREOF USING NON-ETCHED CONTACT RECESSES**

Correspondence Address:



20792

PATENT TRADEMARK OFFICE

Enclosed are:

1. Application Transmittal Letter and Fee Transmittal Form (*A duplicate is enclosed for fee processing*)
2. 30 pages of Specification (including 79 claims)
3. 8 sheets of Formal Drawings (35 USC 113)
4. Oath or Declaration
 - a. newly executed (*original or copy*)
 - b. copy from prior application (37 CFR 1.63(d)) (*for continuation/divisional*) [Note Box 6 Below]
 - c. DELETION OF INVENTOR(S) (*Signed statement deleting inventor(s) named in the prior application*)
5. Application Data Sheet. See 37 CFR 1.76
6. Incorporation By Reference (*useable if box 4b is checked*)

The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

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7. Microfiche Computer Program (*Appendix*)
8. Assignment papers (*cover sheet(s) and document(s)*)
9. Applicant claims small entity status. See 37 CFR § 1.27.
10. Information Disclosure Statement, PTO-1449, and 1 reference cited
11. Preliminary Amendment (*Please enter all claim amendments prior to calculating the filing fee.*)
12. English Translation Document
13. Certified Copy of Application No. ; Filed
14. Sequence Listing/ Sequence Listing Diskette
 - a. computer readable copy
 - b. paper copy
 - c. statement in support
15. An Associate Power of Attorney
16. Return Receipt Postcard (MPEP 503) (*Should be specifically itemized*)
17. Other:

The fee has been calculated as shown below:

	Column 1 No. Filed	Column 2 No. Extra	Small Entity Rate	Large Entity Rate
BASIC FEE			\$375.00	\$ 750.00
TOTAL CLAIMS	79 - 20 =	59	x 09 = \$	x 18 = \$1,062.00
INDEP CLAIMS	3 - 3 =	0	x 42 = \$	x 84 = \$0
<input type="checkbox"/> MULTIPLE Dependent Claims Presented			+ 140 = \$	+ 280 = \$
<i>If the difference in Col. 1 is less than zero, Enter "0" in Col. 2</i>			Total \$	Total \$1,812.00

A check in the amount of \$ to cover the filing fee is enclosed.

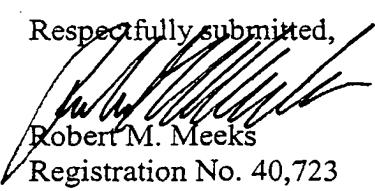
A check in the amount of \$1,852.00 is enclosed to cover the filing fee, PLUS the Assignment Recordation fee (\$40.00).

Please charge my Deposit Account No. 50-0220 in the amount of \$

The Commissioner is hereby authorized to credit overpayments or charge the following fees associated with this communication to Deposit Account No. 50-0220:

- a. Additional filing fees under 37 CFR 1.16 for presentation of extra claims.
- b. Additional patent application processing fees under 37 CFR 1.17.

Respectfully submitted,

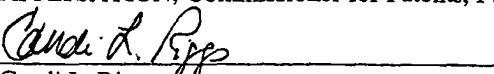

Robert M. Meeks
Registration No. 40,723

CERTIFICATE OF EXPRESS MAILING

Express Mail Label No. EV 353610072 US

Date of Deposit: July 11, 2003

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Candi L. Riggs

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Here is what happened earlier:

- ARRIVAL AT PICK-UP-POINT, July 12, 2003, 10:54 am, DULLES, VA 20102
- ARRIVAL AT UNIT, July 12, 2003, 8:01 am, DULLES, VA 20102
- ENROUTE, July 11, 2003, 7:28 pm, RALEIGH, NC 27623
- ACCEPTANCE, July 11, 2003, 5:43 pm, RALEIGH, NC 27612

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Sir: Kindly acknowledge receipt of the accompanying by placing your receiving date stamp hereon and mailing:

Utility Patent Application Transmittal Letter and Fee Transmittal Form (in duplicate); Specification (30 pages - 79 claims); Drawings (8 sheets - Figures 1A-6); Declaration and Power of Attorney; Assignment Recordation Form Cover Sheet; Assignment; Information Disclosure Statement; Form PTO-1449; Copy of Cited Reference; Check in the amount of \$1,852.00; In re: Adam William Saxler et al.; For: NITRIDE-BASED TRANSISTORS AND METHODS OF FABRICATION THEREOF USING NON-ETCHED CONTACT RECESSES

Respectfully submitted,
MYERS BIGEL SIBLEY & SAJOVEC

07-30-03 A09:51 IN

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10/617843 July 11, 2003

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